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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,703	12/31/2001	Michael M. Tso	42390P4474D	4985

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EXAMINER

WINDER, PATRICE L

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,703

Applicant(s)

TSO, MICHAEL M.

Examiner

Patrice Winder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 27-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-8, 29-32, 34-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kavner, USPN 6,366,947 B1 (hereafter referred to as Kavner).

3. Regarding claim 1, Kavner taught a method of suspending a network connection used for lower priority transmissions between a client platform and a server platform (column 19, lines 9-13) comprising:

determining a characteristic of a transmission between the client platform and the server platform, said characteristic consisting essentially of a high priority transmission and a low priority transmission (column 18, lines 22-28, 55-67, column 19, lines 1-8) ;  
and

suspending the connection if the characteristic of the transmission comprises a high priority transmission (column 19, lines 9-13).

4. Regarding dependent claim 2, Kavner taught the low priority transmission comprises a pre-fetching request (column 19, lines 1-8).

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5. Regarding dependent claim 3, Kavner taught the high priority transmission comprises a user request (column 18, lines 22-28).
6. Regarding dependent claim 4, Kavner taught suspending the connection includes closing the connection (column 19, lines 1-8).
7. Regarding dependent claim 6, Kavner taught the method further comprising: maintaining the connection if the characteristic of the transmission comprises a lower priority transmission (column 19, lines 1-8).
8. Regarding dependent claim 7, Kavner taught the client platform comprises: one of a personal computer, a router, a switch, a bridge and a hub (column 11, lines 37-40).
9. Regarding dependent claim 8, Kavner taught the server platform comprises one of a personal computer, a router, a switch, a bridge and a hub (column 13, lines 7-14).
10. Regarding claim 29, Kavner taught a method comprising:  
suspending a pre-fetching request between a client platform and a server platform when a higher priority browser request is made by the client platform (column 19, lines 9-13).
11. Regarding dependent claim 30, Kavner taught the method further comprising: determining a characteristic of a transmission between the client platform and the server platform (column 18, lines 22-28, 55-67, column 19, lines 1-8).
12. Regarding dependent claim 31, Kavner taught determining a characteristic includes determining if the characteristic is a high priority transmission or a low priority transmission (column 18, lines 22-28, 55-67, column 19, lines 1-8).

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13. Regarding dependent claim 32, Kavner taught suspending a pre-fetching request includes closing a connection between the client platform and the server platform (column 19, lines 9-13).

14. Regarding claim 34, Kavner taught an article comprising:  
a machine readable storage medium having stored thereon instructions capable of being executed by a data processing platform, said instructions being adapted to (column 11, lines 8-24):

determine a characteristic of a transmission between a client platform and a server platform, the characteristic comprising a high priority transmission and a low priority transmission (column 18, lines 22-28, 55-67, column 19, lines 1-8); and

suspending the connection if the characteristic of the transmission comprises a high priority transmission (column 19, lines 9-13).

15. Regarding dependent claim 36, Kavner taught the instructions are further adapted to perform a pre-fetching request between the client platform and the server platform (column 19, lines 1-8).

16. Regarding dependent claim 37, Kavner taught the instructions are further adapted to close the connection (column 9, lines 9-13).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 5, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kavner in view of Mogul, USPN 5,802,292 (hereafter referred to as Mogul).

19. Regarding dependent claims 5, 33 and 35, Kavner taught canceling low priority transmission and placing them back on the queue. However, Kavner does not specifically teach resuming at least one low priority transmission via the connection after the high priority transmission is complete. Mogul taught resuming at least one low priority transmission via the connection after the high priority transmission is complete (column 4, lines 40-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Mogul's system for resuming a prefetch request in Kavner's intelligent caching system would have better utilized system resources. The motivation would have been to alleviate the need to reopen a connection to finish an interrupted prefetch request.

***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
21. Berger, USPN 5,978,841: taught resuming an interrupted pre-load after an information identifier corresponding to the pre-load is requested by a user;
22. Saksena, USPN 6,055,572: taught associating weights with links and determining which link to prefetch by comparing the weights;
23. Nguyen, USPN 6,584,498 B2: taught a client 130 that orders pages for dynamic preloading, the order is determined by their relative priorities;
24. Ferguson, USPN 6,769,019 B2: taught downloading of lower priority information is suspended to allow downloading of higher priority information;
25. Allen et al., USPN 6,807,570 B1: taught halting a currently being pre-loaded web page after a user selected web page and then downloading the user-selected web page;
26. Zheng Wang et al., Prefetching in the World Wide Web: taught different types of client-initiated pre-fetching including batch prefetching, start-up prefetching and pipelining with prefetching;
27. Hiroyuki Inoue et al., An Adaptive WWW Cache Mechanism in the AI3 Network: taught a prefetching agent that can be triggered by traffic congestion to delay its scheduled prefetches, including traffic caused by user requests; and

28. Wendy Chien, Prefetching in a Web Browser: taught the threads handling prefetch requests are given lower priority than other threads, so it does not interfere with regular browser requests.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrice Winder  
Primary Examiner  
Art Unit 2145

June 23, 2005